

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 381

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the State Election Code."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 15.05.020(4) is amended to read:

9 (4) A person does not gain or lose a residence
10 solely by reason of his presence or absence while employed in
11 the service of the United States or of this state, [OR WHILE
12 A STUDENT OF AN INSTITUTION OF LEARNING,] or while kept in
13 an institution or asylum at public expense, or while con-
14 fined in a public prison or while residing upon an Indian or
15 military reservation.

16 * Sec. 2. AS 15.05.020 is amended by adding a new paragraph to
17 read:

18 (10) For the purpose of voting, the residence of
19 a student enrolled in an institution of learning shall be
20 that which is listed on the registration roll of the insti-
21 tution.

22 * Sec. 3. AS 15.10.030 is amended to read:

23 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES [AND
24 POLLING PLACES] REQUIRED FOR STATE AND LOCAL ELECTIONS. The
25 precinct boundaries [AND POLLING PLACES] established by the
26 secretary of state shall be the [POLLING PLACES AND]
27 boundaries for both state and local elections. The secretary
28 of state by regulation pursuant to the provisions of the
29 Administrative Procedures Act (AS 44.62) may authorize the

1 combining, consolidation, or altering of precinct boundaries
2 [AND POLLING PLACES] for local elections.

3 * Sec. 4. AS 15.10.110 is amended to read:

4 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS.

5 The secretary of state shall appoint four [AN] election
6 supervisors, [SUPERVISOR] one each to serve at Juneau,
7 Anchorage, Fairbanks and Nome, [FOR EACH OF THE FOUR MAJOR
8 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV, OF THE STATE
9 CONSTITUTION] to assist in the administration of elections
10 in the election districts designated by the secretary of
11 state [WITHIN THEIR RESPECTIVE SENATE DISTRICTS]. The
12 secretary of state may appoint as an election supervisor a
13 person who is a qualified voter in the area over which he
14 has jurisdiction [OF THE RESPECTIVE SENATE DISTRICT] and
15 who does not hold an office in a political party. An
16 election supervisor shall be appointed to serve for a term
17 to begin not more than 90 days before the date of the pri-
18 mary nomination or special election and to end not more than
19 45 [30] days after the date of the general or special elec-
20 tion. An election supervisor is entitled to receive compen-
21 sation in an amount that is comparable to that received for
22 similar state employment as determined by the secretary of
23 state. Executive department employees shall be appointed
24 election supervisors whenever feasible and shall serve with-
25 out additional compensation.

26 * Sec. 5. AS 15.10.120 is amended to read:

27 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The
28 election supervisors [FOR EACH SENATE DISTRICT] shall appoint
29 within their district an election board, composed of three

1 judges, for each precinct from among the qualified voters of
2 each of the precincts for which they are appointed. One
3 judge shall be designated chairman and be primarily respon-
4 sible for the administration of the election in the precinct.
5 If no clerks are appointed for the precinct, the other two
6 judges shall perform the duties of clerks of the election.
7 No more than two judges may be of the same political party.
8 At the time of making the appointments, the election super-
9 visor shall notify the secretary of state of the name and
10 full local mailing address of the designated chairman and
11 other judges of the election board in each precinct. Election
12 boards in local government unit elections shall be appointed
13 by the appropriate local government unit for all local elec-
14 tions.

15 * Sec. 6. AS 15.10.130 is amended to read:

16 Sec. 15.10.130. APPOINTMENT OF CLERKS. The election
17 supervisor may [SHALL] appoint a maximum of two clerks for
18 each precinct in which the election supervisor determines
19 that [TWO] clerks are required to administer the election or
20 primary nomination in an efficient and economical manner.
21 Clerks shall be appointed from among the qualified voters in
22 precincts from which they are appointed. The clerks may not
23 be of the same political party.

24 * Sec. 7. AS 15.10.150 is amended to read:

25 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND
26 CLERKS. Whenever the appointment of election judges or
27 clerks is required, the party district committee of the
28 political party of which the governor is a member may present
29 in writing to the election supervisor at least 60 [45] days

1 before the party nomination or election, the names of two
2 party nominees for judges, and one for clerk, in any or all
3 election precincts, and the election supervisor shall appoint
4 the party nominees to the respective precinct election boards.
5 The party district committee of the political party which
6 received the second largest number of votes in the preceding
7 general election may present in writing to the election
8 supervisor at least 60 [45] days before the party nomination
9 or election the name of one party nominee for judge and one
10 for clerk for any or all election precincts and the election
11 supervisor shall appoint the party nominees to the respective
12 precinct election boards. If any party district committee
13 fails to present the names prescribed by this section within
14 the specified time, the election supervisor may appoint any
15 qualified person.

16 * Sec. 8. AS 15.10.160 is repealed.

17 * Sec. 9. AS 15.10.170 is amended to read:

18 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS.

19 The precinct [DISTRICT] party committee, where an organized
20 precinct committee exists, or the district party committee
21 where no organized precinct committee exists, may appoint one
22 or more persons as watchers in each precinct for any primary
23 nomination or election. Each candidate not representing a
24 political party may appoint one or more watchers for each
25 precinct in his respective district or the state for any
26 election. Any organization or organized group that sponsors
27 or opposes a proposition, initiative, referendum or recall
28 may have one or more persons as watchers at the polls after
29 first obtaining authorization from the secretary of state.

1 No precinct party committee, no district party committee or
2 candidate not representing a political party or organization
3 or organized group may have more than one watcher on duty at
4 a time in any precinct. The watcher may be present at a
5 position inside the place of voting which affords a full view
6 of all action of the election board taken from the time the
7 polls are opened until the ballots are finally counted and
8 the result certified by the election board. The election
9 board may require each watcher to present a certificate show-
10 ing that he is the watcher appointed by the precinct party
11 committee, the district party committee, the organization or
12 organized group or the candidate he represents and signed by
13 the chairman of the precinct party committee, the district
14 party committee, the organization or organized group or the
15 candidate representing no party. The secretary of state may
16 prescribe regulations governing the conduct of watchers to
17 assure the privileges of the watchers and the proper conduct
18 of the election.

19 * Sec. 10. AS 15.15.040 is amended to read:

20 Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS.
21 The secretary of state shall prescribe the form of and prepare
22 tinted sample ballots, the original and duplicate registers
23 or duplicate registration cards, oaths of office of judges,
24 challenge oaths, tally sheets, instructions to voters, warn-
25 ing notices and other forms and supplies required for the
26 election.

27 * Sec. 11. AS 15.15.050 is amended to read:

28 Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS.
29 The secretary of state shall distribute an adequate supply of

1 sample and official ballots, original registers, duplicate
2 registers or duplicate registration cards, oaths, and other
3 forms and supplies required for the election to the election
4 supervisors for distribution to chairmen of election boards
5 in precincts not less than 25 days before the date for the
6 election.

7 * Sec. 12. AS 15.15.060 is amended to read:

8 Sec. 15.15.060. PROCUREMENT OF POLLING PLACES AND OTHER
9 SUPPLIES. Immediately following the appointment of the
10 election board, [AT LEAST 10 DAYS BEFORE THE DATE OF THE
11 ELECTION] the election supervisor in conjunction with the
12 election board chairman shall secure polling places for
13 holding the election, including alternate emergency locations
14 suitable ballot boxes which will assure security and an
15 adequate number of voting booths or screens, national flags,
16 pens, and pencils. Not less than one voting booth or screen
17 shall be furnished for each 100 votes or fractional part of
18 100 votes cast in the previous election. The secretary of
19 state may issue rules prescribing the type of polling place
20 for holding the election and the requirements regarding
21 ballot boxes, voting booths, screens, national flags, and
22 other supplies to assure administrative economy and to
23 protect the secrecy of the ballot. The state, through the
24 office of secretary of state, shall pay the cost of necessary
25 election expenses incurred in securing a place for holding
26 the election, a suitable ballot box, and an adequate number
27 of voting booths, screens, national flags and other supplies.

28 * Sec. 13. AS 15.15.120 is amended to read:

29 Sec. 15.15.120. FILLING VACANCIES IN ELECTION BOARD.

1 If an appointed judge or clerk fails to appear and subscribe
2 to the oath on election day or becomes incapacitated during
3 the time of the election or canvass, the election board
4 members [QUALIFIED VOTERS] present shall elect, by a majority
5 voice vote, a qualified voter [PRESENT] to fill the vacancy.
6 The qualified voter elected to fill the vacancy shall be of
7 the same political party as the person for whom the substitu-
8 tion is made.

9 * Sec. 14. AS 15.15.180 is amended to read:

10 Sec. 15.15.180. KEEPING OF ORIGINAL REGISTER. The
11 judges shall keep an original register in which each voter
12 before receiving his ballot shall sign his name and give both
13 his resident and mailing address. A record shall be kept in
14 the registration book in space provided of the name of per-
15 sons who offer to vote but are refused, and a brief statement
16 of the basis of the refusal. The signing of the register
17 constitutes a declaration by the voter that he is qualified
18 to vote.

19 * Sec. 15. AS 15.15.190 is repealed and re-enacted to read:

20 Sec. 15.15.190. KEEPING OF DUPLICATE REGISTER OR
21 DUPLICATE REGISTRATION CARDS. The judge or clerk assigned to
22 keep the duplicate register or duplicate registration cards
23 shall transfer to the duplicate register or duplicate regis-
24 tration cards the names of the voter and all other information
25 appearing in the original registration book.

26 * Sec. 16. AS 15.15.210 is amended to read:

27 Sec. 15.15.210. CHALLENGING OF VOTERS OF SUSPECT
28 QUALIFICATION. Every election judge and election clerk shall
29 challenge, and every watcher and other person qualified to

1 vote in the precinct may challenge a person attempting to
2 vote if the challenger has good reason to suspect that the
3 challenged person is not qualified to vote. All challenges
4 shall be made in writing setting forth the reason for the
5 challenge. A challenged person before voting shall subscribe
6 to an oath and affidavit provided by the secretary of state
7 attesting to the fact that in each particular the person meets
8 all the qualifications of a voter or that the person legally
9 voted in the general election of November 4, 1924, and meeting
10 the residency requirements of a qualified voter, that he is
11 not disqualified, that he has not voted at the same election
12 and stating the place from which the person came immediately
13 prior to living in the precinct in which he now offers to
14 vote and the length of time of his residence in the former
15 place. After the challenged person has taken the oath and
16 signed the affidavit, the person may vote. If the challenged
17 person refuses to take the oath or sign the affidavit, the
18 person may not vote.

19 * Sec. 17. AS 15.20.070 is amended to read:

20 Sec. 15.20.070. APPLICATION TO SECRETARY OF STATE BY
21 MAIL. A qualified voter may apply by mail for an absentee
22 ballot to the secretary of state. The application shall
23 include [THE NAME OF THE APPLICANT AND BOTH HIS PRESENT] the
24 address to which the absentee ballot shall be returned, and
25 the applicant's [HIS] full [LOCAL] Alaska resident address
26 and signature.

27 * Sec. 18. AS 15.20.100 is amended to read:

28 Sec. 15.20.100. DATE FOR APPLICATION BY MAIL. A
29 qualified voter may apply for an absentee ballot by mail if

1 postmarked not more than six months [90 DAYS] nor less than
2 four days before any election.

3 * Sec. 19. AS 15.20.430 is amended to read:

4 Sec. 19. AS 15.20.430. AUTHORIZATION OF RECOUNT APPLI-
5 CATION. (a) A defeated candidate or 10 qualified voters who
6 believe there has been a mistake made by an election official
7 or by the canvassing board in counting the votes in an elec-
8 tion, may file an application within five days after com-
9 pletion of the state canvass to the secretary of state for a
10 recount of the votes from any particular precinct or any
11 election district and for any particular office, proposition,
12 or question. However, the application may be filed only with-
13 in three days after the completion of the state canvass after
14 the general election for a recount of votes cast for the
15 office of governor and secretary of state. If there is a
16 tie vote as provided in AS 15.15.460, the secretary of state
17 shall initiate the recount and give notice to the interested
18 parties as provided in Sec. 470 of this chapter.

19 (b) The date on which the secretary of state receives
20 an application rather than the date of mailing or transmission
21 determines whether the application is filed within the time
22 allowed under (a) of this section. If the actual physical
23 delivery by telegram of a copy in substance of the statements
24 made in the application for recount is received in the office
25 of the secretary of state at or before 5 P.M. Alaska Standard
26 Time, on the due date the application will be accepted; pro-
27 viding the original signed application is postmarked at or
28 before 5 P.M. Alaska Standard Time of the same day.

29 * Sec. 20. AS 15.20.450 is amended to read:

1 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application
2 shall include a deposit in cash, by certified check, or by
3 bond with a surety approved by the secretary of state. The
4 amount of the deposit is \$50 for each precinct, \$250 for each
5 election district, [\$500 FOR EACH MAJOR SENATE DISTRICT] and
6 \$2,000 for the entire state. However, if the recount in-
7 cludes an office for which candidates received a tie vote or
8 the difference between the number of votes cast for the two
9 candidates receiving the largest number of votes was 10 or
10 less or was less than .5 per cent of the total number of
11 votes cast for the two candidates for the contested office,
12 or a question or proposition for which there was a tie vote
13 on the issue, the application need not include a deposit.
14 If, on the recount, a candidate other than the candidate who
15 received the original election certificate is declared
16 elected, or if the vote on recount is determined to be four
17 per cent or more in excess of the vote reported by the state
18 canvass for the candidate applying for the recount or in
19 favor or opposed to the question or proposition as stated
20 in the application, the entire deposit shall be refunded.
21 If the entire deposit is not refunded, the secretary of
22 state shall refund any money remaining after the cost of the
23 recount has been paid from the deposit.

24 * Sec. 15.25.040(c) is amended to read:

25 (c) A candidate for state-wide offices shall file with
26 the secretary of state. A candidate for district-wide office
27 shall file either with a clerk of the superior court in the
28 [MAJOR] senate district of which the candidate is a resident
29 or the secretary of state. If a candidate for district-wide

1 office files a declaration with the secretary of state, the
2 secretary of state shall immediately, by telegram to be
3 followed by letter, notify the appropriate clerk of the
4 superior court of the filing. If the candidate files his
5 declaration with the clerk of the superior court, the clerk
6 shall immediately forward the declaration to the secretary
7 of state.

8 * Sec. 21. AS 15.25 is amended by adding a new section to
9 read:

10 Sec. 15.25.045. WITHDRAWAL OF CANDIDACY. Notice of
11 withdrawal of candidacy must be in writing over the signature
12 of the candidate.

13 * Sec. 22. AS 15.30.080 is amended to read:

14 Sec. 15.30.080. FILLING OF VACANCIES. If there is a
15 vacancy caused by death, failure to attend, ineligibility
16 or other cause, and if available alternates have not been
17 designated, the secretary of state [ELECTORS] shall fill the
18 vacancy [BY PLURALITY VOTE].
19
20
21
22
23
24
25
26
27
28
29